

At A Regular Town Board Meeting
Of the Town Board of the Town of Newburgh
At 1496 Route 300 in said township at 7:00 P.M.
On the 5th day of April, 2004

ROLL CALL: George A. Woolsey, Councilman
Derek N. Benedict, Councilman
James E. Manley, Councilman
Gilbert J. Piaquadio, Councilman

ALSO PRESENT: Mark C. Taylor, Attorney for the Town of Newburgh
James W. Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Charlene M. Black, Town Clerk

ABSENT: Wayne C. Booth, Supervisor

1. **Pledge of Allegiance led by Jason Kartis, 90 East Rock Cut Road, Walden, Boy Scout Troop # 79**
2. **Moment of Silence**
3. **Additional Items for the Agenda**
None at this time.
4. **Public Comments on Agenda Items**
None at this time.
5. **Public Hearing: Scheduled for 7:00 p.m.**

Proposed Zoning Amendment: Single Family Detached Dwelling Unit Wheelchair Ramp exemption to District Regulations

Deputy Supervisor Benedict asked Mr. Zarutskie, Town Clerk, if all the legal documentations and posting have been done? Mr. Zarutskie said they certainly have. Both official newspapers for the Town of Newburgh have printed the legal ad for this Public Hearing and has been posted in Town Hall.

MOTION was made by Councilman Piaquadio to open the Public Hearing, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4-0-1 absent.

Mark Taylor, Attorney for the Town, explained what this amendment is. The proposed Local Law amends the Town's Zoning Code to provide for an exemption from the minimum yard requirements in the code as well as the bulk regulations for wheel chair ramps that are constructed in connection with single family detached dwelling units, just as long the ramps are ten feet from the end of pavement or road. By enacting this legislation those who require wheelchair ramps in order to access their homes will no longer have to go for a variance from the zoning code. The law introduces a definition of a wheelchair ramp which is an incline ramp providing accessible route of travel for people who are wheelchair users or have an ambulatory disability from the entrance of the building interior to the exterior grade level.

Ron Hughes / Pampas Lane

The footage off the road, does this make provision for curbing to prevent the chair going into the road? Mark Taylor, Attorney for the Town, explained there is no requirement for curbing. Typically, we would assume the Building Inspector would review the plans and make suggestions.

MOTION was made by Councilman Piaquadio to close the Public Hearing, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4-0-1 absent.

SEQR Designation and Determination

MOTION was made by Councilman Manley to adopt the Resolution of SEQR Designation and Determination-Local Law Amending Chapter 185 Entitled "Zoning" of the Code Of the Town of Newburgh: Single Family Detached Dwelling Wheelchair Ramp Exception To District Regulations, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4-0-1 absent.

Resolution of Adoption

MOTION was made by Councilman Woolsey to adopt the Resolution of Adoption of Local Law #2 of 2004 – Amending Chapter 185 Entitled "Zoning" of the Code of the Town of Newburgh: Single Family Detached Dwelling Wheelchair Ramp Exception To District Regulations, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4-0-1 absent.

6. New York Municipal Insurance Reciprocal:**Inspection Report to the Town Board, Presented by Nancy Coyne, Senior Loss Control Specialist**

On 3/26/04, Nancy Coyne inspected the playground at Chadwick Lake Park and found numerous head entrapments at the playground of which Leathers is the manufacturer. It was built in approximately 1990 and it has exceeded its life use. There is extensive wood rot, protrusions, the surfacing is totally inadequate and the head entrapments alone are life threatening. Therefore, her letter to Mr. Booth, as the Town's Insurance carrier, recommends the playground be removed as soon as possible. Mr. Booth had given Ms. Coyne a packet from Leathers' audit in 2001. It explained the head entrapments, the protrusions, and the splintering of the wood. To summarize, the Town has been on notice for three years now and has done nothing. If anything happened, it would be considered negligence. Councilman Manley wanted to know how long Nancy has been a certified specialist? Nancy said for six years and she specializes in playgrounds. Councilman Manley said that with the Town being on notice, would this be a position of strict liability? She said it would be strict negligence. Leathers notified the Town in writing of head entrapments three years ago and now she notified the Town on March 26, 2004 of the head entrapments, which is life threatening. Councilman Manley asked if the Town could do anything to mitigate this issue and if we could, do you believe it would a substantial expense to the Town? Nancy said it has exceeded its use and to fix it would be pointless. Therefore according to Leathers it has no more use. It would be extremely costly and if the Town did it, the Town would be eating the liability. Councilman Manley asked if the Town took the option of reopening the playground, how would this affect our insurance? Ms. Coyne said ultimately the worst that could happen is the Town's insurance would not be renewed. Definitely expect higher premiums. Right now the Town is a high risk because of the playground. Councilman Piaquadio asked Ms. Coyne if the cost to replace the playground would exceed the cost to repair the one we have? Ms. Coyne explained you can't repair a playground that exceeds it's life expectancy and as for a new one, she doesn't know the cost off the top of her head. She explained that a lot of people do not understand that a playground has a life expectancy. They are built for a number of years and then they have to be taken down. Councilman Piaquadio wanted to know who determines the life expectancy? Ms. Coyne said that the manufacturer recommends a time. Leathers recommends fifteen years. Councilman Woolsey asked Ms. Coyne if she looked at the new playground. She said she has and explained how lucky the Town is to have the surfacing that is there. She said it was safe. Councilman Manley asked about the inspection of the rest of the facilities, was there anything else in similar condition as the playground was? Ms. Coyne said that there is nothing critical. Councilman Benedict asked if this was Nancy's scheduled inspection now that we are with New York Municipal Insurance Reciprocal (NYMIR)? She said it was.

MOTION was made by Councilman Manley to authorize the Supervisor or Deputy

Supervisor to remove the old playground as soon as possible, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4-0-1 absent.

Mr. Zarutskie, Town Clerk, asked Deputy Supervisor Benedict if he would like to go onto another item at this time because legally we cannot open the next Public Hearing until 7:30 P.M. Mr. Benedict said we will go to item #8.

8. Recreation: Boat Rental Fees

Councilman Woolsey would like to know if we got the information from our attorney that was requested at the last meeting? Mark Taylor, Attorney for the Town, said that he was asked to find out about the senior charges for the boat rentals. If the senior has a Senior Citizen card (which can be obtained at the Recreation Department), which has a fee of \$20.00, the fee for residents is \$0.00. The age for this card is 60. This Resolution is to change the boat rental fees. Right now the fee is \$3.00 for resident and will increase to \$5.00. The fee for non residents now is \$6.00 and will increase to \$10.00.

MOTION was made by Councilman Piaquadio to approve the Resolution of the Town Board Providing for Amendment to Schedule of Fees for Daily Rental of Public Boats on Chadwick Lake, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4-0-1 absent.

7. Public Hearing: Scheduled for 7:30 P.M. Chadwick Lake Master Plan

Deputy Supervisor Benedict asked Mr. Zarutskie, Town Clerk, if all advertisement and postings have been made? Mr. Zarutskie, Town Clerk, explained that we advertised in both official papers and the notice was posted in the Town Hall lobby. Deputy Supervisor Benedict explained that this Public Hearing will be recessed tonight instead of adjourned due to the fact that the Jewish holiday of Passover starts tonight and many people called. They were disappointed they wouldn't be able to join us tonight to voice their opinions. To accommodate them we will recess tonight and reopen on April 19, 2004 at 7:30 P.M.

MOTION was made by Councilman Woolsey to open the Public Hearing on the Chadwick Lake Master Plan, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4-0-1 absent.

Mr. Anthony Kotz was asked to come forward to explain what is going on with the Master Plan. The Recreation Advisory Committee, the Town Board, the Recreation Department and Mr. Kotz, as a consultant, have been working on this Master Plan at Chadwick Lake Park. This plan consists of the southern twenty four acres at the Lake. We propose a new entrance, redoing the parking lot, improving the picnic area and restroom area, roller / ice hockey rink (which is already under contract and should start construction in 2 weeks), replacing the basketball courts and putting them behind the rink. By the picnic area we propose a boccie and horse shoe court, and an arboretum (which will done by donations). All this is on the east side of the lake. On the west side we are proposing a medium size Activity Building, road improvements going to that side of the lake, restrooms, parking lot improvements, floating boat docks, picnic area, and a walking trail completely around the lake (which the Town is already working on). The skate house is in disrepair and needs to be removed. A new playground has been constructed. A Full Environmental Assessment has been done and the Town is the Lead Agency. The estimated cost for this project is \$1.4 million, but that doesn't mean it will cost that much. As for the existing playground, we recommended having a specialist come in and give their evaluation, which they have. The new playground was paid for by a grant. Ideally one phase of construction is the best. A lot of this work can be done by the Highway Department. Some of the Advisory Board is present tonight: Ron Hughes, James Williamson, Ed Babcock, Nick Sibilila, Tim Olsen and Charles Everette. Ron Hughes explained how the amphitheatre refurbishment will also take place. He was also

under the impression that the construction would take place in one phase.

Patricia Williams / 18 Bridle Path

She wanted to know the size of the Activity Building that is proposed? Gary MacEntee, Recreation Director, said this building will also house the transportation program, Dial a Bus besides the staff for the Summer programs at the Lake. This will be a multi functional building. The square footage of this building is approximately 1500.

Councilman Woolsey wanted to know if the Recreation Advisory Board looked over the numbers for this project? These numbers seem a little high. Gary said the Recreation Advisory Board feels the same way. Mr. Kotz has made sure that the numbers only come down. Councilman Woolsey said that we don't want to scare the public. Mr. Kotz also explained that they are trying to build a higher quality building for a longer life.

Jerry Williams / 18 Bridle Path

This is in regards to the tennis courts, where the skating is going, the original lighting is not going to be installed? Mr. Kotz said the present contract for the rink does not include lighting. Mr. Williams said the \$1.4 million doesn't include lighting at all. The lighting is included in the Master Plan as a future improvement. Mr. Williams wanted to know if the trail around Chadwick Lake complete? Gary MacEntee, Recreation Department Director, explained that the trail is being worked on as much as the Highway Department can be there. The North end of the lake we have to make a decision about planking. As for the paving being done, Darrell Benedict, Highway Superintendent, one thing is we are under a state bid for blacktop, which will come in considerably lower. To help answer Councilman Woolsey concern about scaring the public with the cost, the public needs to know that between the Chadwick Lake Reserve Fund and the Parkland Trust we have \$1.1 million. We are going to try to secure grants for the pavilion and possibly the docks. So tax payers do not have to worry about footing the bill. Mr. Kotz explained that we will try for these grants but it isn't a great year for grants. These grants reimburse you up to 50% of what the project cost is.

Ron Hughes / Recreation Advisory Board explained that Ron Radar is one of Governor Pataki's grant people. That is who we need to get in touch with.

David Murphy / 1757 Rt. 300

Is there going to be any improvements to the entrance of the park? Mr. Kotz explained that the entrance will be extended down the hill a little ways and the gate house will be moved further in. We are proposing a turn lane into the park. The main driveway will be two lanes and then widen into three lanes. Mr. Murphy wanted to know if a traffic is proposed for the entrance? Mr. Kotz said the Town would have a problem justifying a traffic light there. Mr. Murphy feels there should be a light like they use for fire houses when there are major events held at the Park. Mr. Kotz said that the Police Department is usually there to direct traffic for major events. We will improve it somehow.

Jerry Williams / 18 Bridle Path

Has there been a traffic study done recently?

Gary MacEntee, Recreation Director, said that there was one done by the State. They will be putting a turn lane up at the intersection of Route 300 and Route 32.

Ron Hughes / Recreation Advisory Board

Mr. Harwood from the DOT was approached about changing the speed limit to 45 mph from the light on Route 32 up to the Ulster County line. Hopefully that will help.

Councilman Woolsey explained that the corner had a traffic survey done and the DOT is widening that road. They are also putting a turning lane in for us.

David Murphy / 1757 Rte. 300

That is great for westbound traffic but what about eastbound traffic. They come down the hill from Chapel Road and people are turning left into the park causes a large traffic jam.

John Ward / 8 Windwood Drive

He feels a traffic light has no purpose. The Police Department always helps out for major events.

Ed Babcock / Fireman's Lane

Mr. Babcock explained that he has been on the Recreation Advisory Board for three years and a meeting has not gone by where he asked for a reduction in speed and a flashing yellow light by the park. We have the money, we should use it. Our Board can advise but the Town Board needs to make it happen. Does someone have to be killed before something is done?

Jerry Williams / 18 Bridle Path

What about bathroom facilities? Mr. Kotz said there will be two more added.

Nick Sibia / Recreation Advisory Board

He feels the left hand turn lane is a good idea going into the park. We need to proceed with the DOT.

Councilman Piaquadio

Gary, will you be vacating the bottom part of the Public Service building? Gary MacEntee, Recreation Director, said they will not. They still need this space for the activities that go on.

Patricia Williams / 18 Bridle Path

Mr. Kotz, will the soil be removed from the old playground area? Yes it will be.

Ron Hughes explained that the soil is 3x more contaminated than the state limits. Twelve inches of the soil will be removed and separated. Mr. Hughes has made a provision to have dumpsters dropped off and will be taken care of.

Councilman Woolsey would like the drawing of Chadwick Lake put on an easel and displayed in the lobby of Town Hall. Maybe Mr. Zarutskie could do a press release and let the public know it is on display.

MOTION was made by Councilman Manley to recess the Public Hearing on the Chadwick Lake Master Plan until Monday, April 19, 2004 at 7:30 P.M., seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4-0-1 absent.

9. Police: Hiring of Court Officer

This is a request from Chief Kehoe to hire Dennis Spampinato for the position of part time Court Officer. The pay rate would be \$8.78 per hour with a start date of April 6, 2004. Roseanne Smith, Administrative Assistant, has completed his background check and only needs his pre-employment physical and paperwork.

MOTION was made by Councilman Manley to approve the appointment of Dennis Spampinato at a rate of \$8.78 per hour and a start date of April 6, 2004, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4-0-1 absent.

10. Water Distribution: Dedication of Homewood and Tighe Avenue Water Line

Mark Taylor, Attorney for the Town explained that this a request from Exxon-Mobil to dedicate Homewood and Tighe Aves. water line that they installed and is connected to the municipal water system. The water line has been inspected by the Town Engineer and the Water Distribution Superintendent and they have advised it is acceptable. Exxon Mobil has submitted the appropriate and necessary documentation to dedicate the water line and transfer ownership to the Town. Included in that documentation is a maintenance bond for a period of two years from the date of official acceptance. Once accepted the property owners on Homewood and Tighe can apply for and obtain permits to connect to the water line which was installed to address an environmental condition in respect to water in that area. Councilman Manley wanted to know if the individuals have to pay to hook up to the water line or is Exxon Mobil going to pay? Mark explained that the Town doesn't do the actual hookup they just issue the permits. Mark believes that Exxon Mobil will be paying the cost of the owners, that is based on a conversation with Exxon's attorney and the home owner. He is not sure that is the case. He doesn't know the specifics of the settlement. Councilman Manley asked Jim Osborne, Town Engineer, with the two year maintenance agreement for \$10,600.00, what generally would you require from them? Jim explained this bond is not for routine maintenance. This is for any hidden defects in the work that may surface in the course of two years. Councilman Manley asked if there is any recourse for something major happens, like a fractured pipe, etc. and it costs us \$20,000.00? Jim said he honestly doesn't know because security is 10% of the installation costs. The Town of Newburgh is one of the few municipalities that have two year maintenance period most are only one year. Councilman Woolsey wanted to know the size of the main and the length? Jim said it is approximately 900 feet on both roads and is an eight inch main. Have any houses hooked up to the main yet? Jim said he didn't know, but he does know that Exxon is responsible for hooking the houses that were contaminated. He is not sure if they are waiting for the dedication. Councilman Woolsey asked if pressure tests have been done? Jim said he doesn't believe flow tests have been done.

Karen Borck, a representative from Exxon Mobil's Ground Water Environmental Services, is here tonight. Each of the lines have there own settlements or agreements with Exxon Mobil. No one has been hooked up yet. We have been waiting for the water line to be dedicated before we move forward with the hook ups. Councilman Woolsey asked Ms. Borck if tests have been done? She said that water tests have been done but she believes the Town has done the flow tests for hydrants. Jim Osborne explained it is not standard to do flow tests, it is part of the application for the water main extension.

MOTION was made by Councilman Manley to accept the dedication of Homewood and Tighe Aves. water line based on the recommendation of our Town Engineer with the necessary filing of the maintenance bond, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4 - 0 - 1 absent.

11. Engineering: Sewer Moratorium Waiver (288, 290 & 292 Lakeside Road)

This is a request from Jim Osborne, Town Engineer, to approve the sewer moratorium waiver for Mr. & Mrs. Joseph Pellegrino, Inspections of their existing septic system shows it is failing and needs to be replace. These three parcels are cottages on one septic system.

MOTION was made by Councilman Woolsey to approve the sewer moratorium waiver for 288, 290 & 292 Lakeside Road, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4-0-1 absent.

12. Announcements & Presentations

1. Trout season just started on April 1, 2004 in New York. If you need a fishing license, come to the Town Clerk's office for one.
2. On April 17, 2004, the Town Clerk's office will be opened from 9:00 a.m. until 12:00 p.m. Assemblyman Tom Kirwan will also be holding an open meeting in our meeting room. If you have any complaints or questions please feel free to

come to that meeting.

13. Public Comments

Helena Guinta / 74 Westwood Drive

Read into the record the petition that is attached.

Voiced her concern about the minutes not on web site. Was told the discs were not good. They will be there sometime this week. Zoning and Planning Board will be asked about their minutes being posted on web. The agenda will be posted by next meeting. What about Internet service in Town Hall? We have the equipment but not installed yet. This is hopefully going to be done soon.

Ellen Jane Gonyea / Linden Drive

Voiced her concern about why the minutes are excerpted and who does the excerpting of the minutes? Mr. Zarutskie, Town Clerk, said he does. Under State Law we do not have to make the minutes verbatim. After the minutes are prepared, the Town Board gets a draft copy and they have ten days to go over them. At that time they can make changes, deletions or corrections. There seems to be a problem finding the tapes to the December 15, 2003 meeting. A member of their agency tried to get the tapes and they couldn't be found. Mr. Zarutskie, Town Clerk, knows nothing of this request. As for the tapes, we keep them for six months and then they are erased. If you would like to have your comments verbatim, get them to us in writing by the next day and they will be attached. Councilman Piaquadio said he finds the minutes to be very accurate and he looks for things that he says to make sure they are accurate. Councilman Woolsey asked Mr. Zarutskie if tapes had to be FOIL-ed and Mr. Zarutskie said they did. Councilman Woolsey asked if Mrs. Gonyea had a copy of that request? She is not sure of this request and has to check her source.

Voiced her concern about the petition that was submitted. At the submission of that petition, the president of the Colden Park Homeowners asked for a date to be set for a new meeting. Can we move forward on this? Deputy Supervisor Benedict said he would not feel comfortable setting the date without the Supervisor being involved. Jim Osborne, Town Engineer, asked when the next homeowners meeting was and Mrs. Gonyea said April 22, 2004. Jim said he will contact Chris Tighe and get a few dates from him and go over it with Supervisor Booth when he gets back. There seemed to have been an urgency on the questions that were presented in the letter to the residents of Colden Park. We would like this meeting as soon as possible before a decision is reached. Mrs. Gonyea wanted to thank Jim Osborne for arranging the original meeting. It went beyond their expectations.

John Pella / 14 Pella Drive

He is Vice President of the Rose Insurance Company. They have fifteen facilities throughout New York State. He would like the opportunity to quote on the Town's insurance which is soon coming up. Who does he speak to about this matter?

Councilman Benedict said that would be the Supervisor.

Jeannette. Tully / Patton Road

When are the bins at the Highway Department going to be open again? Councilman Benedict explained that they have a staffing problem they are trying to work out. After that is settled, they will be opened again.

Jeanne Piatt / 22 Crest Road

You made your decision tonight and she said she abides by it. Will you provide the Recreation Department with additional funds in their budget to have a maintenance person at that park to maintain the new and existing structures? She believes or she knows that the playground is the way it is because the Town did not maintain the playground. The playground does have a life expectancy of 15 – 25 years. Robert Leathers did not recommend that the playground be taken down, on the last page of his report that was provided to the Town it said the playground does need fixing and it could be another community event. It did not say to take it down, it said to fix it. They also said if you want take it down and raise an additional \$50,000.00,

\$100,000.00 or even \$200,000.00 to put what we put there back in 1991 for \$50,000.00. The next time the Town of Newburgh residents give the Town a gift, it was a gift and this Town did not give the Project Playground Group a dime, you had better take care of it. You guys failed to maintain that playground. It is your fault the playground is coming down. The head entrapments is probably the easiest thing to fix. Did anyone of you gentlemen walk around that playground with that forty two page report and look at every single one of those items? Councilman Benedict said he did not but he doesn't know if the Supervisor did. Mrs. Piatt said she is sure he did not and she said she should not have quoted that but she said she is sure he did not. She would like to have Supervisor Booth call her daughter back. She called him a week ago and the call was never returned. She is a thirteen year old resident of the Town of Newburgh. You will never have the Town of Newburgh residents give you a gift of over \$100,000.00 again. You better put money in that budget to maintain that park. That park went down hill because there was not enough money to maintain it. You need someone full time. The New York State guard made a promise to come and repair the park and you had reservists at Stewart Airport willing to help. Lieutenant Odem needs to be called back; he had a promise from someone about him to come in a do the fixing up. He had ten professional men and women to do the work. She wants the memorial plaques that are hers to be returned to her. You better not touch that time capsule unless she is present.

As for the Recreation Advisory Board: she had sent a letter to the Town Board and Mr. MacEntee, Recreation Director, she was interviewed for the Recreation Advisory Board and nothing came of it. Not even a letter. She had been on that Board for about five years and thought she did a good job. A couple of months she attended a Advisory Board meeting and was never so insulted by a group of gentlemen. Mr. Williamson said that playground was a monument to her and referred to the other Playground, as our playground. It's the Town of Newburgh's playground and the children's playground. It is not my monument; it's the Town of Newburgh's playground. She would like to have a better cross representation on the Advisory Board. There are fifteen members. She explained that she is 46, female, she has young children, known and active in this Town, active in the schools. She sits on lots of committees. Member of the Rowing Club and she is looking into opening a children's shelter in the City of Newburgh. You need a better representation of gender and race. Maybe a teenager. Next time a vacancy opens up, it better be posted and no member should be selected for who they are and know. As for the gentlemen who had his disposal already set up for the wood because his comment was, "He has it set up". The decision came tonight from the Board. Is it set up? Mr. Hughes clarified this. It is called proper planning. You made a decision and when you received the report you should have closed off the playground then. Safety was her number concern. When it was the arsenic, which she is waiting for her report to come in on that. If the playground was sealed then there would be no arsenic problem.

John Ward / 8 Windwood Drive

This is directed to Mr. Manley. Mr. Ward said he read the quote in the paper about a building moratorium. Are you serious about a building moratorium? The committee for the Master Plan is telling the Town what they need and there is too much going on at once. You, Mr. Manley, suggested a building moratorium. Councilman Manley believes we are getting to the point where there is a lot of building especially residential. The sewer moratorium has held things a bay but his concern is the changes of zoning for change of lot sizes and so forth. If developers heard that, we would be inundated with plans so wouldn't a building moratorium be a mechanism to control that growth. Saccardi & Schiff said it would be the number one affective measure.

Jerry Williams / 18 Bridle Path

There is so much garbage on the Town roads; the Town needs to do something about this. Garbage trucks need to have enforcement on what they are hauling. Councilman Benedict said he cleans his road all the time and if the Town employees don't clean up, he is not sure who will. Mr. Williams asked about volunteers.

Councilman Woolsey explained how our attorney is working on the volunteer program. Two years ago we were told because of liability we couldn't do it. Our attorney is trying to have out what we can do. We might be implementing it in the Town of Newburgh. It looks very favorable this time. Councilman Woolsey said we need to enforce the garbage haulers to have covers on their trucks. Maybe getting fined a few times maybe this will be curtailed.

Ed Babcock / 12 Firemen's Lane

He explained that even pick up trucks are suppose to have covers on them. At the transfer station, the DEC sits there and checks.

Councilman Woolsey said there have been a few signs put up around the Town saying "Welcome to the Town Dump". Something has to be done.

Patricia Williams / 18 Bridle Path

Last month she asked about the Volunteer Ambulance Corps double dipping with Mobile Life, how far have we gotten with that? Councilman Benedict and Councilman Woolsey have no more information then before. Councilman Woolsey doesn't think we got any farther then the last time. He explained that we have been working on this for two years. The Supervisor hasn't gotten the two corps together. Councilman Woolsey said he has been telling people that the Volunteer Ambulance is a soft billing and not to pay the bill.

What about the Code of Ethics, has it been officially adopted? The revisions have not been brought back yet.

In regard to the insurance, why was this not brought to the Town's attention last year? This is the first year with NYMIR and this is the first full evaluation. Mrs. Williams agrees with Jeannie Piatt, the playground was neglected.

Councilman Piaquadio said that the insurance company gave the playground a lot of failures and even the consultant. Why didn't she come forward and say she had volunteers? Mrs. Williams said that Mrs. Piatt came to a meeting a couple of months ago and told the Board about the volunteers. Councilman Piaquadio did not know this because it was before the first of the year. Councilman Benedict said that is absolutely true. Councilman Manley did explain that the park would need to be replaced piece by piece. If each piece was replaced as it became bad, then we would have a new structure. Unfortunately that did not happen. We never heard back from her on the volunteers, the scheduling, when they were going to start, nothing. Councilman Manley explained that the insurance report is what really made the overall decision.

As for the building moratorium, she realizes that with the sewer moratorium, you limited certain amount of homeowners to hook up to the sewer. Three hundred homes went on it just before the sewer moratorium began. Wasn't it last year you had a public meeting at Meadow Hill School about a building moratorium and nothing came of that. None of you voted and it was a waste of time. Why didn't you do something a year ago with the building moratorium? We are almost in a crisis. Councilman Manley wasn't completely convinced back then as he is today. Especially with the changes, since nothing was specific in the zoning law. Mrs. Williams said there has been twenty two zoning changes to benefit the landowner and the developer. Now it is way out of hand. Look what has happened in the past year. You could have voted either aye or nay and had the building moratorium. It is a little too late. To change the zoning now, isn't it opening up the Town to lawsuits? A moratorium is put into place to allow you to complete your planning process. The length of time is linked to amount of time it takes you to complete your planning process. Obviously it has to be a feasible amount of time.

Councilman Piaquadio wanted to know if there was a building moratorium and during that time there were zoning changes. Could the applicant who had engineering plans sue? Mark Taylor, Attorney for the Town, explained that usually you need to have a spade in the ground. The process is one where you provide a relief mechanism in your moratorium. Applicants who have incurred soft costs (engineering costs) would use that mechanism. Mrs. Williams said this Town looks terrible and it not going to get better.

Ed Babcock / 12 Firemen's Lane

We were chastised pretty good tonight. Let it be known that if the playground was anything but pressure treated, he would agree to keep it up. As of January 1, 2004, they cannot manufacture pressure treated wood in the United States. As for the make-up of this Board, we had four women on it and two were minority. For whatever reason the minority women have left but we now have three women on the Board again. The Board is still a mix.

John Ward / 8 Windwood Drive

He also agrees that the Town Board needs to make sure there is money in the budget for the maintenance of the park.

Helena Guinta / Colden Park

At one time, maybe last summer, you were looking for young people for the Recreation Board, did you ever get any applicants? Councilman Benedict thought there was a problem with the age which has to be eighteen. But Conservation Board can be sixteen.

Ron Hughes / Pampas Lane (Mr. Hughes asked for his comment to be verbatim.)

We have had some younger people on the Board even briefly but they had to leave because of other commitments. They are always welcome. Our Board doesn't have a war with what's going on with this playground. We looked at what we had to do for the benefit of the Town and its citizens. Our priority is the safety of children and because of the proximity of the playground to our reservoir, we had to do something. There were many things that contributed to its demise. Its life expectancy was outlived, no maintenance and the contamination of the wood and the ground, made the combination of kissing it goodbye. But there was nothing that could be done to resuscitate it without a huge ridiculous amount of money. The whole thing would have to be replaced piece by piece. It was too far gone. We would like to dedicate the new park to all the people who implemented the first park and make a provision for the plaques and memorial that was established in the beginning. Mrs. Piatt is under a bad impression that those plaques are gone. Those were instructed to be taken down and preserved so we could resuscitate the memorial services that were there and we are aware of the time capsule. We are aware of the implement and the image of the time the people put into it. We are in no way trying to over shadow the efforts that were made there. We congratulate them for their efforts and we would like to dedicate the new park to them.

Councilman Benedict said he and the Supervisor have talked about that same thing and not have an adversary role in it.

Mark Taylor, Attorney for the Town, explained that to the inquiry Councilman Manley asked about the Recreation Advisory Board, there is no age specification in our code.

Helena Guinta / Colden Park

Maybe to make Mrs. Piatt feel better and to calm the situation down, the Recreation Advisory Board should draft a letter to her and try to appease the situation. Councilman Benedict explained that the Supervisor has articulated that to her. Nothing will be destroyed. The time capsule is being put back and the plaques will be restored. Mr. Hughes will draft the letter to Mrs. Piatt. Mr. Babcock said a lot of the plaques are so faded and beyond repair.

MOTION was made by Councilman Woolsey at 9:36 p.m. to adjourn to Executive Session, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4-0-1 absent.

Deputy Supervisor Benedict announced that no further Board business would be conducted after the Executive Session.

MOTION was made by Councilman Piaquadio to end Executive Session at 10:05 p.m., seconded by Councilman Manley.

VOTE: Mr. Woolsey –aye; Mr. Benedict – aye; Mr. Manley – aye; MR. Piaquadio – aye; Mr. Booth – absent. Motion passed 4-0-1 absent.

Deputy Supervisor Benedict announced that no action was taken by the Board during Executive Session.

MOTION was made Councilman Woolsey to adjourn the Town Board Meeting of April 5, 2004 at 10:06 p.m., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – absent. Motion passed 4-0-1 absent.

Andrew J. Zarutskie, Town Clerk

by

Charlene M. Black, Deputy Town Clerk